UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address : COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/357,797	05/30/89	NILSSEN	O

EXAMINER
SHINGLETON, M

OLE K. NILSSEN
CAESAR DRIVE
BARRINGTON, IL 60010

ART UNIT	PAPER NUMBER
252	4

DATE MAILED: 04/26/91

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 1-29-91 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), -0- days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☒ Claims ~~1-23~~ 9-14, 19-23 are pending in the application.
   Of the above, claim~~s~~ 13 is ~~are~~ withdrawn from consideration.
2. ☐ Claims 1-8, 15-18 have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 9-12, 14, 19-23 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____. has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

In response to the restriction requirement applicant elected claims drawn to the subcombination, Group II (claims 9-12 and 14). Applicant also adds claims 19-23 which "all conform" to the elected invention. Clearly, applicant is relying on the details of the elected subcombination and not the combination for patentability, accordingly only the subject matter of the elected subcombination in regards to the newly presented claims will be examined.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Skeist et al.

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office Action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 9-12 and 14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103 as obvious over Skeist et al.

Skeist et al. discloses a screw-in ballast arrangement operating at high frequency having a rectifier and frequency converting ballast means that is formed in the base of the assembly (Note Figures 1 and 9), a "screw-base" which allows connection to the "ordinary power lines" and the function/negative limitation of providing direct electrical connection between the base electrodes and [illegible]

Upon interpretation of exactly what lamp structure is meant by folded and "U"shaped or that of tubes the following 35 U.S.C. 103 rejection is possibly in order. The lamp structure of Skeist et al. is folded and "U" shaped in design but it is also cylindrical or surrounds element "1". It appears that applicant meant to claim a standard "U" shaped lamp having a tube which is bent in the shape of a "U". These type of lamps are well known and are functionally equivalent to the lamp of Skeit et al. and thus would have been obvious to use such a lamp in place of the "U" shaped lamp of Skeist et al.

Claims 9-12,14,19-23 are rejected under 35 U.S.C. 103 as being unpatentable over Dale et al. in view of Wotowiec and in further view of either Skeist et al. or Moerkens et al.

Dale et al. discloses "circline" screw-in ballast arrangement having all the recited features as set forth by the above claims, except for having the screw-in ballast housing itself support the lamp and the use of a folded tube lamp in place of the "circline" lamp used ~~in~~ by Dale et al.

Wotowiec discloses a screw-in ballast arrangement using a "circline" type lamp arrangement in which the housing of the ballast actually forms the supporting structure for the lamp itself. The clear advantageous properties of this arrangement of Wotowiec is the integration into one easy to change unit the inverter and lamp. Another clearly apparent property of the type of lamp is since this unit is sealed no contact with the lamp terminals is possible. With the arrangement of Dale et al. the plugging and unplugging of the lamp unit from the ballast could lead to a shock hazard situation to the person replacing the lamp.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to integrate into one unit the "circline" lamp and the screw-in ballast housing so as to obtain a structure that "seals" the lamp terminals and thereby reducing the risk of shock to person coming in contact with the lamp fixture, among other reasons clearly taught by Wotowiec.

Skeist et al. and Moerkens et al. both disclose a screw-in ballast arrangement [illegible]

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the "circline" lamp of Dale et al. with that of a "U" lamp given that Skeist et al. and Moerkens et al. clearly shows the advantageous properties that a "U" lamp holds over a "circline" lamp, one of these items is compactness. Also the reasons to modify Dale et al. given the teachings of Wotowiec are also presented by the Skeist et al. reference.

In regards to claims 19-23 these claims only differs from that of the above by the non-elected subject matter. This subject matter is either well known prior art and/or is not being relied upon for patentability therefore, these limitations are looked upon as having been obvious.

Claims 19-23 are rejected under 35 U.S.C. 103 as being unpatentable over Skeit et al.

Besides the interpretation of the "U" shaped lamp which is discussed above and is hereby incorporated, these claims only differs from that of the Skeist et al. reference by the non-elected subject matter. This subject matter is either well known prior art and/or is not being relied upon for patentability therefore, these limitations are looked upon as having been obvious.

Claim 12 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the prior art invention as set forth in claim 18 of U.S. Patent no. 4,677,345 ('345).

Claim 12 only differs from that of claim 18 of '345, in that claim 18 does not specifically recite "base" means and the source of AC voltage being a ballast. In regards to the base means, this is clearly indicated in claim 18 of '345 taken as a whole. The preamble of the claim clearly sets forth an assembly to be screwed into an light socket. Accordingly, there must be a "base". With respect to the "ballast" arrangement, clearly the AC source of claim 18 of '345 must have a ballast function since it is powering a gas discharge lamp. However, at the very least it would have been obvious to incorporate a high frequency ballast into the structure as claimed by claim 18 of '345.

Claims 9,10-12,14 and 19-23 are rejected under the

Claim 18 of '345 sets forth all the limitations of the above claims but differ by a matter of wording and the specific use of an inverter ballast arrangement as the high frequency supplying means. Claim 18 also fails to recite the rectifier means as presently claimed. Dale et al. however discloses that the use of such a high frequency supplying means that incorporates the use of a rectifier for use in a screw-in ballast arrangement is well known. One of the clearly advantageous features of the AC voltage source is its "small" weight. Thus, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate into the claim device as defined by claim 18 of '345 the solid state ballast arrangement or AC voltage source so as to not only obtain the high frequency AC source but also to provide the light weight power supply needed in a screw-in arrangement and also given the functional equivalence of the two sources a AC voltage, as taught and/or clearly apparent from Dale et al.

With respect to claim 11 the use of folded lamps in screw-in ballast/lamp assemblies are well known in the art and therefore would be obvious to employ, especially due to their compact nature.

With respect to newly presented claims 19-23, these claims only differs from that of the above patent '345 and Dale et al. references by the non-elected subject matter. This subject matter is either well known prior art and/or is not being relied upon for patentability therefore, these limitations are looked upon as having been obvious.

Claims 9,10-12,14 and 19-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the prior art invention as set forth in claims 1-21 of U.S. Patent no. 4,857,806 ('806).

Claims of '806 sets forth all the limitations of the above claims but differ by a matter of wording. One example of this is claim 3 of '806, which set forth a rectifier means that supplies the DC power but is silent on it supplying "appropriate DC voltage". Clearly, the rectifier must supply "appropriate DC voltage".

Applicant's election of Group II, claims 9-12 and 14 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP 818.03(a)).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson clearly shows the combination of an fluorescent lamp integral with a housing that connects to an ordinary household socket can also contain in that housing a high frequency power supply for the powering of the lamp.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Shingleton whose telephone number is (703) 308-0712. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

MBS
Shingleton/mbs
22 April 1991

EUGENE R. LAROCHE
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT 252